

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION

Case No. 2:18-md-2846

This document relates to:
Johns v. C.R. Bard et al.,
Case No. 2:18-cv-1509
Milanesi et al. v. C.R. Bard, et al.,
Case No. 2:18-cv-1320
Stinson v. Davol, Inc, et al.,
Case No. 2:18-cv-1022
Miller v. Davol, Inc., et al.,
Case No. 2:18-cv-1443

JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson

ORDER

On June 8, 2021, a case management conference was held in this multidistrict litigation (“MDL”). This order memorializes the developments during the conference.

During this conference, Defendants C.R. Bard and Davol stated that their Motion to Exclude or Limit the Opinions and Testimony of Plaintiff’s Expert David Kessler, M.D. in the *Johns* case (No. 18-1509, [ECF No. 35](#)) is moot because Plaintiff withdrew Dr. Kessler as an expert. Accordingly, the motion is now **DENIED AS MOOT**.

Proceedings were also rescheduled and briefing schedules were set as follows in *Johns*, No. 18-1509:

- The First Final Pretrial Conference was rescheduled from **July 14, 2021** to **July 19, 2021**.

A modified case management order, Case Management Order (“CMO”) No. 23-F, will be forthcoming.

- After the Court notifies the parties of the limiting instructions it intends to use at trial regarding the Material Safety Data Sheets and the Food and Drug Administrations 510(k) process, the parties will simultaneously submit briefing on the instructions within **seven days of receiving the limiting instructions.**
- The parties will submit briefing on the proper scope of the opinion of Plaintiff's expert replacing Dr. Kessler. Defendants will submit a brief not to exceed **ten pages on or before Friday, June 11, 2021 by 5:00 p.m.** Plaintiff will submit his response brief not to exceed **ten pages on or before Tuesday, June 15, 2021 by 5:00 p.m.**
- Plaintiff will file a motion to compel Third Party Red Oak to produce a privilege log. Plaintiff will file his motion on or before **June 11, 2021.** Red Oak will file its response within **seven days of service of the motion.**

In *Milanesi*, No. 18-1320, trial was set for **January 10, 2022.** A modified case management order, CMO 29-A, will be forthcoming.

Finally, the Court selected *Stinson*, No. 18-1022, and *Miller*, No. 18-01443, as the third and fourth bellwether trials in this MDL, respectively. A modified case management order, CMO 25-A, will be forthcoming.

IT IS SO ORDERED.

6/10/2021
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE